

**MINUTES OF A REGULAR VOTING MEETING OF THE**  
**FAIRFIELD PLANNING COMMISSION**

**December 11, 2013**

Scott Lepsky, Chairman, called the Regular Meeting of the Fairfield Planning Commission to order.

The Commission had a moment of silence in honor of Peg Collins, a long time Planning Commissioner, who served the City in many capacities for many years.

Members present:     Scott Lepsky, Don Hassler, Bill Woeste, Mark Morris, Tom Hasselbeck and Bob Myron.

**MINUTES OF THE PREVIOUS MEETING:**

The minutes of the previous meeting, held November 13, 2013, were approved as submitted.

**NEW BUSINESS:**

**Design Review Committee Item**

**New Building Sign and Pole Sign Panel – A1 Aaron's Bail Bond Agency – 640 Nilles Road**

Slides of the site and locations of the proposed signs were shown. Mr. Bachman explained the business will be locating in a building behind Cash Advance which is across from the Justice Center. The building sign will be placed below the gable, east of the door. There are two panels on the pole sign and the Bail Bond will be taking the lower panel. During the Design Review meeting, the applicant agreed to replacing the white panel on each side of the sign as the name of the previous business can still faintly be read.

Scott Lepsky, seconded by Tom Hasselbeck, made a motion to approve the signs with the stipulation that the plexiglas panels on the bottom of the pole sign be replaced with new.

Motion carried 6 – 0.

**Consent Agenda – Pole Sign Improvement – Fairfield City Square – 5145 Pleasant Ave.**

Mr. Bachman explained no action is needed by the Commission on this item. A slide was shown of the improvements made to the sign (structure painted and new plexiglas panels installed).

**Sunroom into the Required Rear Yard Setback – 131 Terrace Court – Village Green Subdivision**

A slide was shown of the property. This first went to the Board of Zoning Appeals which deferred it to the Planning Commission. The BZA felt since the property is in a PUD, the Commission should review the materials of the proposed structure. Also, the BZA was informed patio enclosures are not permitted which is not true; they are as long as they do not encroach into the required rear yard.

Next, the plot plan was shown which outlined the house, proposed enclosure and a new concrete pad. The house backs up to the hillside owned by the City making the patio room fairly obscure.

Slides of the proposed enclosure were shown along with existing enclosures within Village Green. Mr. Matthew Hood, contractor, stated the owner has the opportunity to work from home and would like to have this space as his office (space to be heated by electric). Two color samples and pictures of other enclosures Mr. Hood built were shown to the Commission. The windows will be framed in white and the beige, the actual structure. The roof will also be metal.

Mr. Bachman stated the Board of Zoning Appeals was told enclosures are not permitted. He clarified they are allowed as long as they stay within the building envelope. The Commission will need to approve the encroachment which shouldn't impact anyone since the hillside is behind it. Property owners within 200' were notified of the BZA meeting; no one showed or sent comments to the City. Only the adjacent property owners were notified of this evenings meeting. Scott Lepsky added the BZA was also not comfortable approving materials since the property is within a Planned Unit Development.

Scott Lepsky, seconded by Mark Morris, made a motion that the request be approved as submitted since the P.U.D. restriction was clarified, the neighbors have not objected and the property abuts the hillside.

Motion carried 6 – 0.

#### Conditional Use Application – Church – 5966 Boymel Drive

An aerial was shown of the property. Mr. Bachman stated there are 3 buildings on the property – Mr. Wieland's office, the existing church and the condo building which is half occupied by the medical facility. There is also an existing slab for a fourth building. The church is requesting to occupy the remainder of the medical building. A slide was shown of the office complex illustrating parking requirements for the various buildings (attached and made a part of these minutes). Approximately 1-1/2 years ago, the Commission approved a Conditional Use for the existing church building. At that time, there was much discussion regarding parking, cross easements, access easements, etc. Mr. Wieland's attorney drew up and recorded documents resolving these issues. The agreement separated the site into 4 areas – buildings A, B, C and D. The Commission approved the church and stated everything in yellow on the slide (striped and non-striped) was for use by the church. The orange was proposed for the medical building. There was debate last year regarding the number of parking spaces the doctors' office was entitled to. Based on the zoning code, the doctors' office is to have 25 spaces; the agreement between Mr. Wieland and the doctor is they have 17 dedicated spaces. The lavender is spaces the church being considered this evening could use. By zoning, they are deficient so Mr. Wieland has submitted a letter stating the church can use his parking area on Sundays. Once the parking is designated based on uses, there is no available parking for the existing slab area (building "D"). If someone were to apply for a building permit to finish it, the City would not issue one. It was Mr. Bachman's understanding that the new church is aware of this. There is the possibility that the building could be scaled down and additional parking created. If the Commission approves the Conditional Use application, a condition of approval is that Building

D cannot be finished at its current size.

A slide of the existing parking lot in front of building D was shown. The area is missing its top coat of asphalt and also has not been striped. Again, if approved, striping needs to be completed. Mr. Bachman pointed out a construction trailer which is taking approximately 7 spaces. The use of this trailer and the length of time it will be parked there need to be discussed.

Mr. Jack and Jeff Wieland, 5982 Boymel Drive, stated the complex was constructed approximately 8 years ago. Since that time, they sold building C to a church and now have a contract for a church to purchase the remaining condo unit in building B and the slab designated as building D. Mr. Wieland agreed to stripe the parking areas discussed earlier. Mr. Jeff Wieland stated the trailer belongs to the church that bought building C and will be used as a construction trailer while the inside of building C is being finished. The church buying the remaining condo unit and building D is aware building D cannot be finished. They may however construct a small storage area on the slab. The foundation for D was built years ago so that heavy equipment would not have to travel through the office complex when it was finished.

Mr. Woeste stated that because the church in building C is not operating yet, the Commission has no way to gauge the amount of parking actually needed. Mr. Wieland replied there is room in the back to put additional parking if needed but Mr. Bachman pointed out Wieland's will lose control of the property once it is sold.

It was explained to the Commission that building B is the only building in a condo association. The Wielands have a maintenance agreement for the office complex (excluding their building), for snow removal, maintenance to the detention pond, etc.

Mr. Hasselbeck asked what the future ramifications would be if the church in building C were to sell the building for a more intense use. Mr. Bachman stated it would be reviewed for parking compliance under the zoning code and would either have to modify the floor plan to conform or receive a variance through the Board of Zoning Appeals.

Discussion occurred regarding the activities taking place in building C and the construction trailer. Mr. Feotis Gilbert, representing the church in building C, stated once they had signed all the contracts, the bank wanted another bill paid off before lending them additional funds. They have no intention of selling the building and the area where the construction trailer is parked was provided to them for parking. Once the inside is finished, the trailer will be removed. Mr. Gilbert estimated construction occurring is March.

Growth of the two churches was discussed. Mr. Bachman stated the zoning code and occupancy posting will regulate the growth. Mr. Morris questioned how parking can be designated for the church in building C when it will be owned by the church purchasing the condo unit and slab D. The Commission was informed there are four individual lots in the complex. When the last church was approved, a parking agreement was created allowing parking throughout the complex for the various owners. The exception to this is that the Doctor's office was designated 17 spaces for their use only. Mr. Hasselbeck clarified this would be similar to tenants' rights – if an apartment building is sold,

the existing leases cannot be changed until they reach their term. Ms. Donovan stated the agreement is a perpetual access easement agreement and is recorded. The Doctor is the only office that has designated spaces for their use only. Mr. Wieland said both churches can only grow so much before they will have to look for a larger facility.

Discussion again centered on the future use of building D. Mr. Wieland said it would not be built by them and was not sure what the church plans on doing with it. Mr. Clemmons stated that if the church plans on building anything there, they would have to get a variance through the Board of Zoning Appeals or satisfy the parking requirement.

Frank Jamison, 12101 Lake Heron Ct. (on the church building committee) stated their intention is to build offices on the building D slab and use the space in building B for their services. Mr. Lepsky asked Mr. Jamison if he understood the parking issue and that building D might not be buildable. He stated he has a flexible agreement with the property owner of building C that they can share parking. The Church committee discussed it and decided it wouldn't be an issue. Again, Mr. Bachman reiterated that all of parking in the complex is taken between the two churches, the Doctor's office and Mr. Wieland's office. There isn't any parking left for an office use in building D unless it is significantly scaled down. Mr. Jamison replied he believed the church committee would agree to a smaller office with additional parking.

Mr. Richard Rosensweig, owner of the medical office unit, asked if the 17 designated parking spaces for Pastor Medical were considered in the parking calculation for the rest of the complex. Ms. Donovan explained that by zoning, the medical office is required to have 25 spaces and the 17 are included in the 25. He then asked if the 17 or 25 spaces were also counted for the required church parking and was informed they were not. Mr. Rosensweig handed out pictures of Bethlehem Apostolic Church located in Louisville, Kentucky. When they were before the Commission over a year ago to get approval to purchase building C, the address they gave is what is shown in the first picture. He is concerned with all the churches locating in the general area and depreciation of property values. The last page of the handout showed nothing has been done within the interior of building C. Mr. Rosensweig's wife informed the Commission there is a sign on the trailer inviting the public to come in for services. She also is concerned if the church will be able to pay the monthly condo fee for upkeep of the property. There are currently no reserves in the association since the condo fees for the other half of the building have not been paid. Mr. Jeff Wieland stated they are financing the building for the church. If something happens where the church cannot make it, the building goes back to the Wielands; it will also be maintained. Mr. Jamison stated they are currently located on Cinchris Drive, have never had any issues with not being able to meet their financial obligations and they will be able to pay the monthly condominium fees.

Bill Woeste, seconded by Tom Hasselbeck, made a motion to approve the Conditional Use for a church at 5966 Boymel Drive per the discussions tonight and the condition that the use of the parking as proposed precludes the construction of building D (the future use of building D is being impacted by the approval of the parking plan submitted) and striping of the remaining spaces that are shown on the plan but not striped in the field.

Mr. Lepsky reiterated that under the plan being approved, building D cannot be finished at its' current size.

Motion carried 6 – 0.

#### Replat – Olde Winton Subdivision

Several months ago, the Commission discussed dropping the side entry garage concept and allowing front entry garages for several lots. This plat vacates those ingress/egress easements and cleans up a few other items in the subdivision. The replat was reviewed by staff today and there are still a few technical items that need to be revised.

The Commission still needs to review and approve the elevations for the front entry garage homes. Staff has informed the applicant that the elevations should not be garage dominant. Those are to be submitted sometime in January for the Commission's consideration.

Kim Smith, Civilworx Engineering, stated the plat was changed to take lot 13944 out and add lot 13945 in. There is a driveway encroachment that affects the lots adjacent to 13944; not 13944 its self.

Rex Richardson, applicant, explained the front entry garages are being proposed to gain parking in the subdivision. With the side entry proposal, there is no parking available in the driveway. The front entry concept allows parking in the garage and driveway.

Scott Lepsky, seconded by Don Hassler, made a motion to approve the Replat for Olde Winton Subdivision as submitted noting the corrections in the slides discussed by Tim Bachman and Kim Smith.

Motion carried 6 – 0.

#### GENERAL DISCUSSION

Rex Richardson suggested the City start a recognition program to honor those that volunteer for public service. Mr. Woeste stated the new Council will do something to honor Peg Collins.

Being no further business, the meeting adjourned.

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Scott Lepsky, Chairman

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Peggy Flaig, Clerk